

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:07CR178-WKW
)
 CHRISTOPHER KENDELL RUSH)

UNITED STATES' SUPPLEMENTAL JURY INSTRUCTIONS

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully requests that the following Supplemental Jury Instructions be given to the jury in the above-styled case.

Respectfully submitted this the 29th day of January, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Verne H. Speirs
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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Roianne Connor.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

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GOVERNMENT'S PROPOSED JURY INSTRUCTION NO. 16

Eleventh Circuit Pattern Jury Instructions, Criminal
Special Instruction No. 4

**SIMILAR ACTS EVIDENCE
(RULE 404(b), FRE)**

During the course of trial, as you know from the instructions I gave you then, you heard evidence of acts of the Defendant which may be similar to those charged in the indictment, but which were committed on other occasions. You must not consider any of this evidence in deciding if the Defendant committed the acts charged in the indictment. However, you may consider this evidence for other, very limited, purposes.

If you find beyond a reasonable doubt from other evidence in this case that the defendant did commit the acts charged in the indictment, then you may consider evidence of the similar acts allegedly committed on other occasions to determine:

- 1) Whether the Defendant had the state of mind or intent necessary to commit the crime charged in the indictment; or,
- 2) Whether the Defendant acted according to plan or in preparation for commission of a crime; or,
- 3) Whether the Defendant committed the acts for which the Defendant is on trial by accident or mistake.